
EXHIBIT B

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Apple Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELAN MICROELECTRONICS
CORPORATION,

Plaintiff and Counterclaim
Defendant,

v.

APPLE INC.,

Defendant and Counterclaim
Plaintiff.

Case No. C-09-01531 RS

APPLE INC.'S INVALIDITY
CONTENTIONS

JURY TRIAL DEMANDED

Hon. Richard Seeborg

1 specification fails to provide an adequate written description of “first pattern on said panel for
2 representing a mode switch to switch said touchpad between a key mode and a handwriting
3 mode.”

4 Claim 4 fails to satisfy the requirements of 35 U.S.C. § 112(1) because the
5 specification fails to provide an adequate written description of “a plurality of second patterns on
6 said plurality of regions for operation in said key and handwriting modes.”

7 Claim 7 fails to satisfy the requirements of 35 U.S.C. § 112(1) because the
8 specification fails to provide an adequate written description of “a plurality of second patterns on
9 said plurality of regions for operation in said key and mouse modes.”

10 Claim 10 fails to satisfy the requirements of 35 U.S.C. § 112(1) because the
11 specification fails to provide an adequate written description of “[a] capacitive touchpad
12 integrated with mouse and handwriting functions.”

13 Claim 10 fails to satisfy the requirements of 35 U.S.C. § 112(1) because the
14 specification fails to provide an adequate written description of “a plurality of second patterns on
15 said plurality of regions for operation in said mouse and handwriting modes.”

16 **III. ACCOMPANYING DOCUMENT PRODUCTION**

17 Pursuant to P.R. 3-4(b), Apple is producing and making available for inspection
18 prior art references and corroborating evidence concerning prior art systems that do not appear in
19 the file histories of the patents at issue. See Bates Nos. APEL0006497-9337. These prior art
20 references and corroborating evidence are cited in and support the accompanying invalidity
21 charts. Apple’s search for prior art references, additional documentation, and/or corroborating
22 evidence concerning prior art systems is ongoing. Accordingly, Apple reserves the right to
23 continue to supplement their production as Apple obtains additional prior art references,
24 documentation, and/or corroborating evidence concerning invalidity during the course of
25 discovery.

26 As to P.R. 3-4(a), Elan has access to publicly-available information, on the internet
27 and elsewhere, about Apple’s accused instrumentalities. Apple is in the process of collecting
28 additional documents concerning the accused functionalities and will supplement its production

1 with documentation sufficient to show the structure, function, or operation of the relevant
2 functionalities of the accused Apple instrumentalities once Elan has provided adequate
3 infringement contentions and as Apple's collection and review of such documents progresses.
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5 Dated: December 7, 2009

WEIL, GOTSHAL & MANGES LLP

7 By: /s/ Sonal N. Mehta

8 Sonal N. Mehta
9 Attorneys for Defendant and
Counterclaim Plaintiff Apple Inc.
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